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App. Serial No. 10/701,882
Atty. Docket No. R029 1380

REMARKS

Claims 21, 23-29, 31-41, 43 and 45-52 are pending. Claims 1-20, 22, 30, 42 and 44 have been canceled without prejudice or disclaimer of the subject matter contained therein. Applicants respectfully request reconsideration of the outstanding rejections and allowance of the application as amended.

Allowable Subject Matter

Claims 26, 27, 30, 48 and 50 are indicated as allowable if rewritten to overcome rejections under 35 U.S.C. § 112, second paragraph. However, no such rejections are presented in the Office Action. Applicants therefore understand these claims to be allowable as written. Claim 42 is objected to as being dependent upon a rejected base claim.

By this amendment, claim 21 is rewritten to include the subject matter of claim 30, rendering claims 21, 23-25, 28, 29 and 31-38 allowable. Claim 48 is rewritten in independent form and is allowable as indicated by the Examiner.

Rejections under 35 U.S.C. § 103

Claims 21-25, 28, 29, 31, 32, 34-36, 43, 44-47, 49, 51 and 52 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Merkel et al.* (US 3,002,613) in view of *Mott* (US 2,152,079). Claims 39-41 stand rejected as being unpatentable over *Merkel* in view of *Mott* and *Saam* (US 5,927,498) or *Carroll* (US 5,921,398). Applicants respectfully traverse.

By this amendment, claim 26 is rewritten in independent form including the subject matter of claim 21. Amended claim 26 recites a cut line in the second side panel connecting first and second pluralities of tear lines and defining a starting flap. Referring to Figure 1 of *Mott*, *Mott's* tear-out section B is defined by continuous perforations 12, 12', and does not include "a cut line in the second side panel connecting the first and second pluralities of tear lines, the cut line and an opening flap fold line defining a starting flap in the second side panel." Referring to Figure 2 of *Merkel*, *Merkel's* perforation lines 22, 23 extend parallel through the blank and are not connected by a cut. The cited references therefore fail to disclose the combination of elements recited in claim 26. Amended claim 39 also recites first and second pluralities of tear lines connected by a cut.

App. Serial No. 10/701,882
Atty. Docket No. R029 1380

By this amendment, claim 43 is amended to include the subject matter of claim 50. Claim 43 recites a blank having a first top flap and a second top flap connected to a second side panel, wherein a first plurality of tear lines and a second plurality of tear lines extend through the first and second top flaps. Referring to Figure 1 of *Merkel*, the Examiner equates the panels 18a, 18b with the claimed "top panel." The panels 18a, 18b define a single panel 18 at one end of the blank. *Merkel* therefore fails to disclose first and second top flaps, with first and second pluralities of tear lines extending through the first and second top flaps.

Claims 33, 37 and 38 stand rejected as being unpatentable over the references applied with respect to claim 32 as discussed above, and further in view of *Saam* or *Carroll*. Claim 21 is rewritten to include the subject matter of allowable claim 30, rendering this rejection moot.

In light of the above remarks, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) based on *Merkel*, *Mott*, *Saam* and *Carroll*.

CONCLUSION

Applicants respectfully assert that the rejections of the claims as set forth in the Office Action have been addressed and overcome. Applicants further respectfully assert that all claims are in condition for allowance and request that an early notice of allowance be issued.

If issues may be resolved through Examiner's Amendment, or clarified in any manner, please call the undersigned attorney at (404) 879-2443.

The Commissioner is hereby authorized to charge any required fees or credit any overpayment to Deposit Account No. 09-0528.

Respectfully submitted,

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